

BUILDING EMISSIONS REDUCTION AND DISCLOSURE ORDINANCE FAQs

Last updated 1/11/2022

Phase 1 Regulations Questions

- When will buildings have to comply with these regulations?
 - *The first reporting deadline is May 15, 2022, but building owners can apply for a one-time six-month extension.*
- How can I apply for a six-month reporting extension for 2022?
 - *We will be creating an online form to request a reporting extension. This form will be shared on the BERDO website and emailed to the BERDO email list once it is available. We anticipate that the form will be available by the end of January.*
- Will the extension be one time only or could multiple extensions be applied for?
 - *The six-month extension for 2022 reporting is one time only.*
- Does the six-month extension for 2022 require Review Board approval?
 - *No. A form will be available soon for owners to register for an extension.*
- What is the definition of an “Owner”? How are LLCs handled?
 - *"Owner" is defined in the ordinance and that same definition is copied into the Phase 1 regulations. If that definition does not provide enough clarity, please share your comments.*
- Where are the building use classifications from? And for the office classification, should it include medical office?
 - *The building type classifications were made based on analysis by Synapse Energy Economics and the Technical Advisory Group, combining Energy Star Portfolio Manager property types. Medical Office is included in "Healthcare."*
- What can we do if we have difficulties with data upload/download from utilities?
 - *We are aware of these issues and continue to explore solutions to facilitate better data access.*
- For buildings without whole building data, if significant partial data exists, why is a 150% multiplier used when the known Energy Use Intensity for some spaces is applied to unknown Energy Use Intensity in other spaces?
 - *This section is about how to estimate energy usage when whole building data is unavailable. The 150% multiplier is intended to account for discrepancies in energy usage between spaces with energy data and those without energy data and to discourage owners from not reporting data from spaces with higher energy use.*
- Where are the default energy use values from?
 - *The default values are based on 2018 BERDO data by building type and include a 150% multiplier.*

Have a question that isn't included? Please email energyreporting@boston.gov.

- Buildings may use electricity obtained through the Boston municipal electricity aggregation program, and have the appropriate Emissions Factor applied to such electricity. How do buildings opt into this program?
 - *Electricity account holders can opt into the program by visiting cityofbostoncce.com.*
- Does the reported data need to be third party verified by the reporting date?
 - Yes.
- Are our in-house staff qualified for data verification?
 - No, data must be verified by a third party that holds one of the credentials listed in the regulations.
- Will the City be supplying a list of qualified energy professionals to do third-party data verification?
 - *The City is not allowed to recommend specific businesses. However, we are looking into options to make it easier for owners to identify QEPs.*
- Is there some specific checklist of items for the qualified energy professionals to review?
 - *Recommended procedures for third-party verification of data will be included in the guidance documents.*
- When will the supplemental reporting form for 2022 be available?
 - *We expect to have the supplemental reporting form set up in January. You can see a draft of the data we plan on collecting in the attached package of materials for the draft Phase 1 regulations, which includes information on the schedule, additional support that the City will provide, draft regulations language, and final ordinance language. The draft supplemental reporting form is on page 8. This is also posted on boston.gov/berdo.*
- Does the City plan to address data reporting requirements for RECs and PPAs in Phase 1 of the regulations or will those will be deferred until later phases of the regulatory process?
 - *RECs and PPAs will be reported through the supplemental reporting form in 2022. However, because there is no compliance with emissions standards required for 2022 reporting, we are simply collecting the data. This will be useful for understanding where buildings stand in relation to their 2025 emissions standards. Future regulations phases will address more specific requirements for RECs and PPAs to be used with emissions standards compliance, but they will not change the basic requirements included in the Ordinance.*
- Are owners encouraged to calculate square footage or are owners expected to use tax assessment data?

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- Owners may use tax assessment Gross Floor Area or calculate square footage according to section 1.04(b) of the regulations.
- Is the reporting unit a building or an aggregate of buildings on a parcel?
 - The reporting unit is a building, and if buildings aren't separately metered, total energy use should be apportioned based on the square footage of each building, as described in section 1.07(a) of the regulations.

Education, Outreach, and Guidance Documents

- Where is the website that shows which buildings currently comply with BERDO 1.0?
 - The list of buildings that had to comply with BERDO 1.0 can be found at <https://docs.google.com/spreadsheets/d/1t-XXuedzvlOMf2d-vmL3ztrklDquXv-NdD1RkA-mxZI>. The list of buildings that must comply with BERDO 2.0 will be published in January.
- How do I upload utility data into BERDO?
 - Forthcoming guidance documents will outline the data submission process.
- When will guidance documents be published?
 - We anticipate publishing initial guidance documents in January, and they will be updated as needed.

Emissions Standards, Review Board and Future Regulations Phases

- At what point is the energy action requirement being phased out?
 - The energy action or assessment requirement from BERDO 1.0 has been replaced with the emissions targets from BERDO 2.0.
- What will be the emissions limits for newly constructed buildings?
 - The only adopted emissions standards to date are those included in BERDO. Newly constructed buildings will be required to determine their emissions standard based on their building use and may adopt a blended emissions standard. BERDO does allow for zoning to define more stringent emissions standards. This has been proposed as part of the Zero Net Carbon zoning process, but no zoning updates of this nature have been adopted. Should they be adopted, they will apply to new construction projects.
- Can you explain the interplay between the Commission, the to-be-convened Review Board, and the Department of Environment, Energy, and Open Space?
 - The Air Pollution Control Commission is responsible for adopting regulations for BERDO and is the body responsible for implementing the ordinance. Once the Review Board is established, they will provide regular oversight of compliance with BERDO emissions standards and oversight over the Equitable Emissions Investment Fund, among other responsibilities outlined in the ordinance and regulations. The later phases of the regulations will add more

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definition to the role of the Review Board. The Environment Department staffs the APCC and will support the Review Board.

- Penalties for non-compliant emission standards are \$1,000 per day. Does this assume a maximum annual penalty of \$365,000/year for non-compliance?
 - *The fine of \$1000/day is for buildings 35,000 and over or with 35+ units that are non-compliant with the emissions standards. For smaller buildings subject to BERDO, the fine is \$300/day. Buildings will also have the option to come into compliance with the emissions standards by making Alternative Compliance Payments per ton of CO₂e they are over the emissions standard. The ACP is set at \$234 per metric ton of CO₂e. The expectation is that buildings that are over their emissions standard will use the ACP to come into compliance rather than be subject to penalties. As a reminder, the first year that buildings must comply with emissions standards is either 2025 (reporting in 2026) or 2030 (reporting in 2031) depending on the size.*
- How will emissions factors for district steam be developed?
 - *More to come on this in later phases.*
- For owners requesting an individual compliance schedule, what kind of documentation will be required to use 2005 as a baseline?
 - *Individual compliance schedules will be addressed in future phases of regulations development, but 7-2.2(k) of the ordinance states that documentation must be provided for energy use, gross floor area and relevant emissions factors for the selected baseline year and the year in which an individual compliance schedule is requested.*